

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, JULY 14, 2009 COUNCIL CHAMBERS and WEST CONFERENCE ROOM 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Closed Session pursuant to Government Code Section 54956.8:
CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Sunnyvale Town Center
Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC
Under Negotiation: Terms of ARDDOPA
4. Adjourn Special Meeting

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session
 - a. Parks of the Future
 - i. Overview of Project
 - ii. Key Findings and Recommendations
4. Public Comment
5. Adjourn Special Meeting

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER – Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR July 14, 2009

Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

Property: Sunnyvale Town Center

Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC

Under Negotiation: Terms of ARDDOPA

SPECIAL ORDER OF THE DAY – Honoring *Serious Materials* and CEO Kevin Surace as “District 13 Small Business of the Year”.

SPECIAL ORDER OF THE DAY – Presentation of Check for Muscular Dystrophy

PUBLIC ANNOUNCEMENTS *Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

PRESENTATION - Santa Clara Valley Water District (5-minutes)

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of June 2, 2009
- 1.B. MOTION Approval of Council Meeting Minutes of June 9, 2009
- 1.C. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager – List No. RTC 09–178 459 & 460

Staff Recommendation: Council review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.E. MOTION Approval of Budget Modification No. 2 to Receive State Homeland Security
RTC 09-185 Grant Program (SHSGP) Training Funds

Staff Recommendation: Alternative 1: Approve Budget Modification No. 2 to receive SHSGP funds for the K-9 explosive detection training.

Staff Contact: Doug Moretto, (408) 730-7711

Personnel

- 1.F. MOTION Employee Benefits Contract Renewals - Life/AD&D, Insurance, Long Term
RTC 09-180 Disability Insurance, and the Employee Assistance Program

Staff Recommendation: Alternative 1: Renew the contract through CSAC for Life, AD&D, and Long Term Disability insurance with ING/Reliastar Employee Benefits for the period of July 1, 2009 through June 30, 2012, and renew the contract for the Employee Assistance Program with MHN for the period of July 1, 2009 through June 30, 2012.

Staff Contact: Tammy Parkhurst, (408) 730-7498

- 1.G. MOTION Adoption of the Sunnyvale Managers Association (SMA) Memorandum of
RTC 09-181 Understanding, and Amendment to Salary Resolution

Staff Recommendation: Alternative 1: Adopt the Memorandum of Understanding with the Sunnyvale Managers Association, and adopt the related amendment to the Salary Resolution.

Staff Contact: Tammy Parkhurst (408) 730-7498

Contracts

- 1.H. MOTION Award of a Contract for an Automated Materials Handling and Radio
RTC 09-186 Frequency Identification System for the Department of Libraries (F0811-29)

Staff Recommendation: Award a contract in the amount of \$758,675, excluding applicable taxes, to Bibliotheca, Inc., to provide and install an automated materials handling and radio frequency identification system and approve a project contingency in the amount of \$46,436.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.I. MOTION Award of Bid No. F0806-88 to Furnish Ruggedized Notebook Computers
RTC 09-182

Staff Recommendation: Award a contract to GTSI, Corp. in an amount not to exceed \$105,225, to furnish ruggedized notebook computers for the Department of Public Safety MDT Project.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.J. MOTION Award of a Contract for Maintenance of the City's Radio Communication
RTC 09-187 Systems (F0806-92)

Staff Recommendation: Award a contract in the amount of \$180,927, to Motorola, Inc. for maintenance of the City's radio communications systems.

Staff Contact: Pete Gonda, (408) 730-7418

Contracts: Sunnyvale Works!

- 1.K. MOTION Award of **Sunnyvale Works!** Bid No. F0805-78 for Citywide Water Line
RTC 09-184 Replacement at San Diego Avenue Area

Staff Recommendation: Award a contract in the amount of \$548,840 to Pacific Underground Construction for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met, and approve a project contingency in the amount of \$55,000.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.L. MOTION Award of **Sunnyvale Works!** Bid No. F0805-72 for Wolfe Road Overhead
RTC 09-188 Bridge Rehabilitation

Staff Recommendation: Award a contract in the amount of \$1,022,168 to William P. Young Construction for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met, and approve a project contingency in the amount of \$153,325.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.M. MOTION Award of **Sunnyvale Works!** Bid No. F0805-79 for Installation of Curb
RTC 09-189 Ramps, 2009 Phase 2

Staff Recommendation: Award a contract in the amount of \$247,970, to SpenCon Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met, and approve a project contingency in the amount of \$17,030.

Staff Contact: Pete Gonda, (408) 730-7418

**STAFF RESPONSES
TO PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Update of the Housing and Community Revitalization Sub-element of the
RTC 09-176 General Plan

Staff Recommendation: Continue item to August 11, 2009.

Staff Contact: Suzanne Ise, (408) 730-7698

3. MOTION Consideration of Parks of the Future Study
RTC 09-183

Staff Recommendation: Approve Items 1 through 16 of the 21 alternatives, including:

- Adopt a 5.34 acres per 1,000 residents Level of Service (LOS);
- Amend the Open Space and Recreation Sub-Element to include design and development guidelines for all park types; and
- Increase Park Dedication and in-lieu fees from 1.25 to 3.0 acres per 1,000 population.

Staff Contact: Jenny Shain, 408-730-7576

4. MOTION Consider Approval of an Amendment to Action Plans for Fiscal Years
RTC 09-179 2004-08; Approval of Conditional Commitment of a \$1.3 Million Loan of HOME Funds for Rehabilitation of Aster Park; and Approval of Budget Modification No.1

Staff Recommendation: Approve the Amendment to Fiscal Years 2004-08 Action Plans to allocate \$1.3 million in HOME funds, conditionally commit \$1.3 million for the rehabilitation of Aster Park Apartments, and approve Budget Modification No. 1.

Staff Contact: Suzanne Ise, (408) 730-7698

5. MOTION Approval of First Time Home Buyer Program Guidelines
RTC 09-177

Staff Recommendation: Alternatives 1 and 3: Approve the First Time Home Buyer Program Guidelines to incorporate the HOME requirements for HOME-funded loans, and to incorporate the HPCC Program, as set forth in the proposed Guidelines and authorize the housing officer to amend the outstanding HPCC loan agreements with the current HPCC borrowers.

Staff Contact: Suzanne Ise, (408) 730-7698

6. ORDINANCE Award of Taxicab Franchise to ACME Yellow, LLC dba ACME Cab
RTC 09-132

Staff Recommendation: Alternative 1: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to ACME Yellow LLC DBA ACME Cab for the period of May 31, 2009 through May 30, 2011 per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

Staff Contact: Rachel Vasquez, (408) 730-7112

7. COUNCIL Review of Council Compensation
DISCUSSION

Recommendation: Discussion and possible action regarding Council Compensation.

Contact: Mayor Spitaleri, (408) 730-7473

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Parks and Recreation Commission Meeting of June 10, 2009
- Draft Minutes of the Parks and Recreation Commission Special Meeting of June 24, 2009
- Draft Minutes of the Housing and Human Services Commission Meeting of June 24, 2009
- Study Session Summary of June 2, 2009 – Local Agency Formation Commission (LAFCO) and Sunnyvale City Limits

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication “*How to Make Your Council Chambers Presentation More Effective*” may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City’s Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
July 28, 2009	Council Meeting	7 p.m.	Council Chambers
Aug. 4, 2009	Council Meeting	6 p.m.	Council Chambers
Aug. 11, 2009	Council Meeting	7 p.m.	Council Chambers
Sept. 1, 2009	Council Meeting	7 p.m.	Council Chambers
Sept. 29, 2009	Council Meeting	7 p.m.	Council Chambers
Oct. 6, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

July 13, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
July 13, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 15, 2009	Administrative Hearing	2 p.m.	West Conference Rm
July 15, 2009	Arts Commission	7 p.m.	Council Chambers
July 16, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
July 20, 2009	Personnel Board	5 p.m.	Council Chambers
July 22, 2009	Housing & Human Services Commission	7 p.m.	West Conference Rm
July 22, 2009	NOVA Workforce Board Meeting	12 pm	NOVA Board Rm
July 27, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
July 27, 2009	Planning Commission Public Hearing	7 p.m.	West Conference Rm
July 29, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Aug. 3, 2009	Board of Library Trustees	7 p.m.	Library Program Rm
Aug. 5, 2009	Heritage Preservation Commission (if needed)	7 p.m.	West Conference Rm
Aug. 10, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Aug. 10, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Aug. 12, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 12, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Aug. 19, 2009	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

July 14, 2009	City Council Meeting - Live	7 p.m.
July 15, 2009	City Council Meeting - Replay of July 14, 2009	7 p.m.
July 19, 2009	City Council Meeting - Replay of July 14, 2009	4 p.m.
July 28, 2009	City Council Meeting - Live	7 p.m.
July 29, 2009	City Council Meeting - Replay of July 28, 2009	7 p.m.
Aug. 2, 2009	City Council Meeting - Replay of July 28, 2009	4 p.m.
Aug. 4, 2009	City Council Meeting – Live	7 p.m.
Aug. 5, 2009	City Council Meeting – Replay of August 4, 2009	7 p.m.
Aug. 9, 2009	City Council Meeting – Replay of August 4, 2009	4 p.m.
Aug. 11, 2009	City Council Meeting – Live	7 p.m.
Aug. 12, 2009	City Council Meeting – Replay of Aug. 11, 2009	7 p.m.
Aug. 16, 2009	City Council Meeting – Replay of Aug. 11. 2009	4 p.m.